

SECTION 6.0
PUBLIC INVOLVEMENT



6.0 PUBLIC INVOLVEMENT

6.1 GENERAL

The public involvement period for this project has involved three informal and formal public scoping meetings and extensive coordination with various agencies throughout the preparation of this document.

6.2 PUBLIC SCOPING MEETINGS

A Notice of Intent (NOI) to prepare a Draft EIS for INS activities was published in the *Federal Register* on January 7, 2000 (Exhibit 1). The NOI provided project background, pertinent contact addresses, and a summary of the project. The NOI also announced that public scoping meetings would be conducted to allow public input to the NEPA process/documentation. Legal advertisements were published in local and regional newspapers, and letters were mailed to appropriate agencies to notify key agency personnel and citizens of meeting times and locations. Three public scoping meetings were held at the following locations:

DATE	CITY	STATE
14 December 1999	Imperial Beach	California
4 April 2000	Imperial Beach	California
25 January 2001	Imperial Beach	California

The three meetings were held with the purpose of identifying issues and concerns that should be addressed in the EIS. Members of the INS, USBP, and USACE were present to answer questions and provide additional information. Court reporters were also provided to record official comments. Project information, maps, and handouts were available at the meetings.

The meeting on April 4, 2000, was held as an open forum to discuss the project. Persons attending were able to see a completed and proposed segment of the project. A briefing and field tour of the project area were available to the public and media before some of the meetings began.

6.3 SUMMARY OF SCOPING MEETINGS

The majority of the comments submitted during all three comment periods dealt with direct and indirect impacts on Border Field State Park and the Tijuana River Valley. Agencies and private citizens voiced their opinions on the effects of the project on the sensitive environments (threatened and endangered plants and animals) in these areas, wetland restoration, and potential flooding problems as a result of the secondary fence. A summary of the meetings and comments received are presented below. Copies of the sign-in and comment sheets, scoping letters, and public notices were contained in Appendix F of the Draft EIS and are not included in the final document.

DEPARTMENT OF JUSTICE**Immigration and Naturalization Service**

[INS No. 2032-99]

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Construction of an International Border Fence and Roads in San Diego, California**AGENCY:** Immigration and Naturalization Service, Justice.**ACTION:** Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).**SUMMARY:****Proposed Action**

The Immigration and Naturalization Service will prepare a Draft Environmental Impact Statement for the construction of a secondary fence and patrol roads along the United States/Mexico border in the vicinity of San Diego, California. Related infrastructure includes north/south gate access, maintenance corridors, lighting, and remote video surveillance components. These actions are intended to gain and maintain control of the border to further prevent the influx of illegal entry and drugs into the United States.

Prior National Environmental Policy Act (NEPA) documents, developed to address those project portions which have been previously constructed, will be incorporated into the DESI by reference. Direct project impacts of the remaining portions of the project, as well as cumulative impacts of the comprehensive project, will also be addressed. Pursuant to the Council on Environmental Quality's regulations, a scoping process will be conducted. As part of this process, a public workshop/open house will be held to identify issues of concern for analysis during the NEPA process.

Alternatives

Alternatives to be covered by the DESI will include various alignments and configurations within the narrow geographic scope dictated by the international border. Other alternatives (to include the required "No Action" alternative) identified will also be fully examined.

Scoping Process

During the preparation of the EIS, there will be numerous opportunities for public involvement, including scoping and review.

DEIS Preparation

Public notice will be given in the **Federal Register** concerning the

availability of the DESI for public review and comments.

FOR FURTHER INFORMATION CONTACT:

Manny Rodriguez, Chief, Policy and Planning, Immigration and Naturalization Service, Facilities and Engineering Branch, 425 I Street, NW, Washington, DC 20536, Room 2060, Attn: Kevin Feeney, telephone: 202-353-9412, or Dr. Rebecca Griffith, INS Architecture Engineering Resource Center, U.S. Army Corps of Engineers, Fort Worth District, 819 Taylor Street, Room 3A28, Fort Worth, Texas, 76102-0300, telephone: (817) 978-3389.

Dated: December 29, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 00-479 Filed 1-5-00; 11:55 am]

BILLING CODE 4410-10-M**DEPARTMENT OF JUSTICE****Office of Juvenile Justice and Delinquency Prevention**

[OJP (OJJDP)-1256]

RIN 1121-ZB90**Notice of the Fiscal Year 2000 Missing and Exploited Children's Program Proposed Program Plan****AGENCY:** Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.**ACTION:** Proposed program plan for public comment.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing its Missing and Exploited Children's Program Proposed Program Plan for Fiscal Year (FY) 2000 and soliciting public comment on the overall plan and priorities. After analyzing the public comments on this Proposed Program Plan, OJJDP will issue its final FY 2000 Missing and Exploited Children's Program Plan.

DATES: Comments must be submitted by March 7, 2000.

ADDRESSES: Public comments should be mailed to Shay Bilchik, Administrator, Office of Juvenile Justice and Delinquency Prevention, 810 7th Street NW., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT:

Ronald C. Laney, Director, Missing and Exploited Children's Program, 202-616-3637. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Missing and Exploited Children's Program is administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Pursuant to the

Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended, Section 406 (a)(2), 42 U.S.C. 5776, the Administrator of OJJDP is publishing for public comment a Proposed Program Plan for activities authorized by Title IV of the JJDP Act, the Missing Children's Assistance Act, 42 U.S.C. 5771 *et seq.*, that OJJDP proposes to continue in FY 2000. Taking into consideration comments received on this Proposed Program Plan, the Administrator will develop and publish a Final Program Plan that describes the program activities OJJDP intends to fund during FY 2000 using Title IV funds.

OJJDP does not propose any new Missing and Exploited Children's programs for FY 2000. No proposals, concept papers, or other types of applications should be submitted.

Background

For the purposes of Title IV, the term "missing children" refers to children who have been abducted by either a family or nonfamily member and includes children who have been abducted within the United States and those who have been abducted from the United States to a foreign country. The term "child exploitation" refers to any criminal activity that focuses on children as sexual objects and includes sexual abuse, child pornography, and prostitution.

The issues involving missing and exploited children are complex and diverse. Since 1984, OJJDP has supported a variety of research projects designed to provide the knowledge needed to make informed policy decisions and meet the information needs of the field. These projects include the first National Incidence Study of Missing, Abducted, Runaway, or Thrownaway Children (NISMART); Abduction Homicide Investigation Solvability Factors; Obstacles to the Recovery and Return of Parentally Abducted Children; and the Missing Children and Criminal Justice Response to Parental Abduction Cases. This research indicated that abduction and exploitation can have a devastating impact on children and families. Lessons learned from research also provide the basis for this proposed program plan.

A decade ago, NISMART (1988) provided valuable data on family and nonfamily abductions and on child exploitation. The following are some of the major findings at that time: an estimated 354,100 family abductions annually; between 3,200 and 4,600 short-term nonfamily abductions reported yearly to law enforcement; an estimated 114,600 attempted nonfamily

Coordination with Federal and state agencies has been ongoing as a part of the draft EIS preparation. Copies of coordination letters were provided in Appendix B of the Draft EIS and are not included in this final document.

6.3.1 Imperial Beach, California. Imperial Beach City Hall Community Room, 14 December 1999, at 2:00 p.m.

Number of attendees: 27

Number of commentors: 16

Comments:

1. Concerns about adverse affects to critical wetland restoration and enhancement projects in the Tijuana River Valley; effects and mitigation for wetlands
2. Impacts to and decrease in value of Border Field State Park, and other state parks and preserves
3. Concern about impacts to vernal pool habitats
4. Direct and cumulative impacts on sensitive species as a result of loss of Stockpen soil series
5. Concern about adverse effects to MSCP lands, and compensation of lost MSCP lands
6. Concerns about the fate of existing and/or proposed projects along the border
7. Concerns about filling Smuggler's Gulch and Goat Canyon, and the effects on the Tijuana River and Estuary with increased sedimentation, erosion, and sheet flow; an increase in flooding potential; and the creation of steep slopes
8. Concern about trash along the border; request for cleanup and volume estimates, recycling program
9. Maintenance of culverts in Smuggler's Gulch embankment; concern about the impacts of Smuggler's Gulch embankment on the IBWC Canyon Collector
10. Erosion and loss of water absorption from the construction of new roads
11. Concern about water and solid waste debris movement across the border from rain/flooding
12. Request for the elimination and restoration of unused roads
13. Concerns about impacts to the South Bay International Wastewater Treatment Plant facilities
14. Concerns about environmental impacts and pollutants from construction equipment
15. Request for more alternatives, including an "environmentally sensitive" alternative
16. Request for identification of permanent, temporary, indirect, and cumulative impacts
17. Request to incorporate sediment and trash traps at border water crossings
18. Request for long-term maintenance and restoration program of project area
19. Concern about construction of secondary fence in sensitive areas; request to rely on primary fence only
20. Numerous comments were expressed on the effects of the project on the following:
 - Noise, air, and water quality
 - Economic and socioeconomic impacts
 - Archeological impacts
 - Protected and sensitive species, rare and critical habitats
 - Soil disruption and invasive species
 - Lighting effects on wildlife and plants
 - Construction of border fence and the impacts on wildlife corridors and predation

- Recreational and landscape (aesthetic) opportunities
- Mitigation measures

6.3.2 Imperial Beach, California. Imperial Beach Station, 4 April 2000, at 7:00 p.m.

Number of attendees: (unknown, open house)

Number of commentors: 20

Comments:

1. Concern about the need for the project
2. Impacts to and decrease in value of Border Field State Park, and other state parks and preserves
3. Request for more alternatives, including an “environmentally sensitive” alternative
4. Concerns about adverse affects to critical wetland restoration and enhancement projects in the Tijuana River Valley; effects and mitigation for wetlands
5. Concerns about filling Smuggler’s Gulch and Goat Canyon, and the effects on the Tijuana River and Estuary with increased sedimentation, erosion, and sheet flow; an increase in flooding potential; and the creation of steep slopes
6. Request to replace existing fence with an improved primary fence of bollard design and not construct secondary fence
7. Request for the elimination and restoration of unused roads
8. Request to incorporate sediment and trash traps at border water crossings
9. Concern about adverse effects to MSCP lands, and compensation of lost MSCP lands
10. Erosion and loss of water absorption from the construction of new roads
11. Request for long-term maintenance and restoration program of project area
12. Maintenance of culverts in Smuggler’s Gulch embankment; concern about the impacts of Smuggler’s Gulch embankment on the IBWC Canyon Collector
13. Concern about construction of secondary fence in sensitive areas; request to rely on primary fence only
14. Appreciation for the Border Patrol agents protecting their land and families
15. Concerns about alien deaths as a result of Border Patrol
16. Numerous comments were expressed on the effects of the project on the following:
 - Recreational and landscape (aesthetic) opportunities
 - Economic and socioeconomic impacts
 - Protected and sensitive species, rare and critical habitats
 - Lighting effects on wildlife and plants
 - Archeological impacts

6.3.3 Imperial Beach, California. Imperial Beach Community Room, 25 January 2001, at 4:00 p.m.

Number of attendees: 46

Number of commentors: 23

Comments:

1. Concerns about road construction
2. Concern about the use of chemicals to control vegetation on road rights-of-way
3. Impacts and decrease in value of Border Field State Park, and other state parks and preserves

4. Concerns about adverse affects to critical wetland restoration and enhancement projects in the Tijuana River Valley; effects and mitigation for wetlands
5. Appreciation for the Border Patrol agents protecting their land and families
6. Support for Border Field State Park as a special pre-project study area
7. Concern about soil erosion resulting from construction activities
8. Request that the EIS discusses project compliance with the San Diego Regional Water Quality Control Board Municipal Storm Water Permit
9. Request the EIS provides hydrological data and analysis
10. Maintenance of culverts in Smuggler's Gulch embankment; concern about the impacts of Smuggler's Gulch embankment on the IBWC Canyon Collector
11. Request to identify staging areas for the project
12. Concerns about environmental impacts and pollutants from construction equipment
13. Request for long-term maintenance and restoration program of project area
14. Concern about trash along the border; request for cleanup and volume estimates, recycling program
15. Concern a secondary fence is being constructed when there are areas with no primary fence
16. Concern there are areas where fence is down and it has not been repaired due to a lengthy permitting process; request to see permit applications
17. Concern about the need for the project
17. Request for more alternatives, including an "environmentally sensitive" alternative
18. Concern that construction of secondary fence will not reduce the number of Border Patrol agents needed
19. Concerns about filling Smuggler's Gulch and Goat Canyon, and the effects on the Tijuana River and Estuary with increased sedimentation, erosion, and sheet flow; an increase in flooding potential; and the creation of steep slopes
20. Concern about aquatic safety and coastal access where fence meets the Pacific Ocean
21. Request to conduct additional surveys on federal and state listed species
22. Request a Biological Assessment be prepared for all federally listed species that could be affected by the proposed project
23. Request that this project satisfies the requirements of both NEPA and CEQA
24. Concern about impacts to vernal pool habitats
25. Concern about the cost of mitigation measures
26. Erosion and loss of water absorption from the construction of new roads
27. Request to incorporate sediment and trash traps at border water crossings
28. Concern about adverse effects to MSCP lands, and compensation of lost MSCP lands
29. Support for fence project
30. Numerous comments were expressed on the effects of the project on the following:
 - Recreational and landscape (aesthetic) opportunities
 - Lighting effects on wildlife and plants
 - Noise, air, and water quality
 - Mitigation measures
 - Construction of border fence and the impacts on fragmentation, wildlife corridors, and predation
 - Soil disruption and invasive species
 - Protected and sensitive species; rare and critical habitats
 - Cultural heritage and U.S./Mexico relations

- Archeological impacts
- Economic and socioeconomic impacts

6.3.4 Summary of Scoping Comments

As can be seen from the list of comments received from each scoping meeting, as well as the scoping letters contained in Appendix F of the Draft EIS, many of the same issues were raised by various participants. Some of these comments (e.g., appreciation of USBP agents, concerns about alien deaths allegedly caused by USBP agents, and requests for trash recycling programs) were beyond the scope of this EIS and thus are not addressed herein. Table 6-1 provides a summary of the relevant issues/comments that were identified and the location within the EIS where they are addressed.

**Table 6-1.
Summary of Relevant Issues Identified During the Scoping Process**

Comment	EIS Section
wetland effects and mitigation	4.1.9.4; 4.2.9.4; 4.3.9.4; 5.3
impacts to Border Field State Park	4.2.3.3; 4.3.3.3; 4.2.10.3; 4.3.10.3; 4.5; 5.5; 5.7
impacts to vernal pools	4.1.6; 4.5; 5.4
impacts to protected species	4.1.6; 4.2.6; 4.3.6; 4.5; 5.4
relationship to other projects in the area	4.5
increased erosion/sedimentation	4.1.2; 4.1.9; 4.2.2; 4.2.9; 4.3.2; 4.3.9
effects to IBWC collector in Smuggler's Gulch	2.2.3.2
abandonment of unused patrol roads	4.1.3; 4.2.3; 4.2.4.1; 4.3.4.1; 5.4
pollutants from construction equipment	4.1.11; 4.2.11; 4.3.11; 5.3
cumulative impacts	4.5
identification of alternatives	2.0
primary fence only alternative	2.3.1
lighting effects	4.2.4; 4.3.4
archeological impacts	4.1.7; 4.2.7; 4.3.7; 5.6
socioeconomic impacts	4.1.10; 4.2.10; 4.3.10; 4.5.4; 5.5
MSCP lands	3.4; 5.5
identification of staging areas	2.4
purpose and need for the project	1.3; 1.4
updated surveys for protected species	4.2.4; 4.3.4
BA/BO for the entire project corridor	4.2.4; 4.3.4; Appendix H
noise impacts	4.1.12; 4.2.12; 4.3.12; 5.4.6

6.4 OTHER COORDINATION MEETINGS

In addition to the scoping meetings described above, over 24 informal, interagency coordination meetings were conducted during the preparation of the Draft EIS. Several of these meetings were narrowly focused (e.g., mitigation for vernal pools) and were thus attended by only a few agencies. However, several meetings were provided to numerous agencies (e.g., County of San Diego, USFWS, CDFG, CCC, CDPR, SHPO) to discuss

the status of the project and to solicit input from these agencies. The dates of these coordination meetings are listed below:

2000: April 19, May 6, May 8, July 7, and November 21

2001: February 8, February 21, April 19, May 8, May 17, June 14, June 21, June 28, September 5, October 4, October 10, October 26, November 11, November 14, November 28

2002: January 16, February 14, and March 8.

6.5 PUBLIC INFORMATION MEETING

At the request of several commentors, the INS/USBP conducted a public information meeting after the release of the Draft EIS. This meeting was conducted on 12 September 2002, from 16:00 PT to 20:00 PT. The meeting was an open-house format, which utilized several information booths or stations that focused on specific issues of the Border Infrastructure System (e.g., engineering design, USBP operational needs, and environmental issues). A court reporter was also available to record official comments that participants wanted to make. A copy of the transcript of these comments is contained in Appendix F. A total of 34 people participated in the meeting and 17 people made official comments.

6.6 DRAFT EIS COMMENTS

The Draft EIS was released for public comments on February 1, 2002, for a 60-day period. The comment period was later extended for an additional 30 days. The official comment period closed on May 2, 2002. A total of 45 letters were received from various entities and individuals, three of which requested extensions. Five comment letters were submitted by Federal agencies, seven by state agencies, five by local agencies, and six by non-governmental environmental agencies. In addition, seven individuals and three public officials (Representative Susan Davis, Senator Dee Dee Alpert, and Assemblywoman Christine Kehoe) submitted comment letters. The remaining nine letters were from private individuals or were second letters submitted by the same agency.

The majority of the comments centered around the development of alternatives. These comments were expressed by 75 percent of the commentors and included an inadequate number of alternatives, lack of identification of an environmentally preferred alternative, and fortifying the primary fence. Another common comment expressed the concern that the proposed embankment in Smuggler's Gulch will cause increased sedimentation in the Tijuana Estuary. These concerns included the probability of success of revegetation efforts on the cut-and-fill slopes, increased velocity through the drainage structures, and probability that the embankment will fail.

Impacts to the MSCP lands and Monument Mesa (and the need to mitigate for these effects) were concerns expressed by 44 percent of the commentors. Recommendations to expand the discussion of state listed species was the 6th most frequent comment. Details of the mitigation plan were requested by 38 percent of the persons/entities that commented. Many of the Federal and state agencies requested that a revised Draft EIS be prepared and that an interagency group assist in the preparation.

A synopsis of the comments received is presented in Table 6-2. This table illustrates the frequency of the comments by group. Copies of the comment letters and INS/USBP responses to each comment are contained in Appendix F.

Table 6-2: SUMMARY SHEET OF COMMENTS AND RESPONSES FOR THE SAN DIEGO BORDER INFRASTRUCTURE DRAFT EIS

No.	GENERAL COMMENT	FEDERAL	IBWC	USFWS	EPA	NOAA	TRNERR	RWQCB	CCC	CDPR	CDFG	CRA	CCon	SANDAG	City IB	County SD	County Brd Sup	Sierra	Audubon	USD ELC	Native Plants	Endg Bio Inst	Rep Habitats	Rep Davis	Sen Alpert	Kehoe	Harmon	Davis	Cooper	Pattonn	Foster	Pierce	Ducheny
1	Fortification of primary fence--environmentally preferred alternative																																
2	Why gap at Bunker Hill and no where else--if need to comply with IIRIRA																																
3	EIS did not present/evaluate enough alternatives																																
4	Project has been piece-mealed and INS now using the completed portions to help justify completion of the remaining sections																																
5	Need to consider other alternatives in BFSP to avoid cutting off access to Friendship Circle																																
6	Area VI is in Special Flood Hazard Area																																
7	Need to address EO 11988 and 11990																																
8	Slope at Bunker Hill will fail, as did Spring Canyon																																
9	Embankments will cause sedimentation in Tijuana Estuary																																
10	Need to reassess culverts in Smuggler's Gulch -might increase velocity of flows causing erosion downstream and/or back water up in Mexico																																
11	Project will impact MSCP; INS needs to mitigate for these impacts																																
12	Project will impact T&E species--Quino checkerspot butterfly, least Bell's vireo, CA gnatcatcher, among others																																
13	EIS did not address all state listed species																																
14	Need to discuss impacts of lighting on wildlife and vegetation--put shields on lights																																
15	Need more detail regarding wetland impacts and proposed mitigation																																
16	Project will cause fragmentation of habitat and sever important biological linkages																																
17	Need to discuss impacts of blasting and other construction noise on wildlife and public																																
18	Need to expand the description of the importance of Friendship Circle at BFSP and impacts to this resource																																
19	Need to discuss impacts to cultural resources and mitigation for these losses																																
20	Need to discuss transboundary effects of water and air pollution																																
21	Need to expand cumulative impact discussion																																
22	INS needs to mitigate/compensate for impacts in Areas II, III and IV																																
23	Need detailed mitigation plan																																
24	Mitigation ratios need to match the County ratios, as specified in the MSCP																																
25	Provide quantification of roads that will continue to be used and information how abandoned roads will be revegetated																																
26	Request a supplemental draft EIS be prepared with interagency participation																																
27	Consistency determinations, as required by CZMA, was not included																																
28	EIS needs better maps to demonstrate the total impact																																
		FEDERAL				STATE							LOCAL			NGO					PUBLIC			PRIVATE									